EDITOR CLARION-On the 7th inst. I addressed you a letter in reference to the communication of Senator George, touching the financial relations between the State and the State University. In that letter I promised to answer the Senator's communication, stating that I thought he had erred both on questions of fact and on propositions of law. write now in fulfillment of that promise In the outset, I wish to say that I do

ly important to the proper determina-Shootely.—He has assumed, and all the States of the Union; every indi-positively announced as existent and cation, in short, pointed to an unpreced-of the reasons why the State was bound of 1844, Gov. Tucker, speaking of the are unsustained by proof, and some of prosperity. It was impossible, under she was. which can be shown to have no existence the circumstances, but that Congress in WHAT WAS THE FUND -AND WHAT BE-TRIEDLY.-He has totally miscon-

ceived the import of the statutes of the the State was to build up and foster the

able Senator has done so.

that it is a part of the governmental ma- in which the exercises of the seminary hinery; as in the case of a town. An- are conducted? ther classification is that into civil (or a factory again; and eleemosynary cor- cable to the extinguishment of this fund, porations, which are organized, not for he undertakes to reverse the facts of pensing of charity-such as hospitals, above mentioned, he places the estabare not exclusive of each other; a cor- nary solely on the property that was exporation can be at once a public and an pressly given and accepted as auxiliary, the State University. In the case of Claims, and then writes about "overpay-The State vs. The V. & N. R. R. Co., 51 ments."

to it from the United States, no one has extinguishment of a debt, for the very ever maintained that it is a Federal in- money that created the property so held part of the State's machinery, the great | might not affect. harity of education. The very nature THE UNIVERSITY AS A HARSH AND EXand purpose of its establishment conimply that its business relations with the State are to be governed by principles essentially different from tor George's letter is a vien of suggesthe State and private business corpora- State by the University. He speaks of 27th November, 1835. tions. The paternal, or fostering, prin- "the chronic disease with which it has 11th January, 1836 ... ciple intervenes, and produces import been always afflicted—'its pressing 10th December, 1836... ant modifications of ordinary rules. To wants' for an increase of revenue; illustrate: if a man buy a piece of land, its "making forays on the Treasury, pay for it with his own money, but have whenever it suits its convenience or its presume that the stranger took the title the toil and poverty of the good people merely as a trustee for the benefit of the State its alleged legal demands," the purchaser, and will hold him as etc. His idea seems to be, and certainly such trustee, unless evidence is produc- his article is calculated to convey the ed to show that the contrary was actu- impression that the University has gotally intended; whereas, if the person to ten the State in its power, by the prowhom the deed is made is the child of the curement of a fraudulent statute empurchaser, the directly contrary pre- bodying an "unjust and illegal desumption will obtain, and the law will mand," the "giving of which sanction him to be the owner in his own by word or deed" would be a "reright, unless evidence is produced to proach," etc., etc. how that such was not the intention. Now, while the rule as to applications invective, not that of the judicial imof payments, and the other rule as to partiality which should have characterconstruction of grants, would be ized his article. just as Senator George puts them, as be impossible conditions. In the first place,

The state (i. e. all shault) to the State (i. e. all shault) t

THE CLARION. the right and power to make donations as a fosterer, which had no relation to the other relationship of debtor and creditor. Unquestionably it did so; and creditor. Unquestionably it did so; and if they were so accepted and used by the University, no retrospective jugglery of book-keeping can alter or reverse those facts. I appeal to the uniform understanding of our people and Legislatures, from the establishment of the Universi-

ty un il now, on the point whether al the appropriations, except those of the acts of 1848 and 1880, were not donations rather than intended payments. The many messages of our Governors insisting on recognition of this debt, at the very time the appropriations were

shment of the seminary by other say, when by her only representative Fund, etc. means: obviously, by the State. It was body, the Legislature, she refuses, as in The Senator's argument is a tissue of In the outset, I was not speak with authority as the finannot speak with authority as the financial agent of the University; that I am
not. But I am a citizen of the Seminary. It was clearly intendnot. But I am a citizen of the Seminary. It was clearly intendnot. But I am a citizen of the Seminary. It was clearly intendnot. But I am a citizen of the Seminary. It was clearly intendnot. But I am a citizen of the Seminary. It was clearly intendnot. But I am a citizen of the Seminary. It was clearly intendnot. But I am a citizen of the Seminary. It was clearly intendnot. But I am a citizen of the Seminary. It was clearly intendnot. But I am a citizen of the Seminary. It was clearly intendnot. But I am a citizen of the Seminary. It was clearly intendnot. But I am a citizen of the Seminary of the Legislature, she retuses, as in
the Semator's argument is a tissue of lifesophistries from beginning to end. It
sophistries from beginning to end. It
soph and an alumnus of the institution; and ed as an endowment in aid of a Semiand an aluminos of the institution; and in that capacity, I have a right to in that capacity, I have a right to nary, which the State was to establish, and which the State was to foster. Missingly the loans made were taking of the Seminary Fund in action. It seems too those seriously urged by nonest and in the provision shows how much care the Legistory to have seven Directors, and the other stock to have seven Directors,

for the following general virtually, the outlet of that national making the grant, and the State in accepting is, should both understand that

learning." And we find in the body of was the fund? This formidable array of specifica- the act, these expressions: "That the

corporation, but not by any means a sale and absorption, but for the use of that prior to 1831 the State had receiv- fresh? and has not the Senator endorsed were promptly sold, and at a premium corporation, but not by any means a sale and absorption, due the sale and the full two millions of State stock of November, 1834, 1835 and 1836, recorporation of that kind included in the the institution. The term used is one ed \$8,402 of rents from the lands; and that Legislature, albeit he seems not to oration of that kind included in the the institution. The term used is one that Legislature, and institution. The term used is one specifically the report of the House Committee, on have understood exactly the true meanprinciples relied on by the Senator, or in the cases cited by him. It is elementary lands and tenements; or, "a that corporations are divisible into classes. One primary division is, the holding of lands."

And the last senting allowance for the Journal of 1848, shows ing of their action? Moreover, in his message of 1846, Gov. Brown says employed that "the State had no author into classes. One primary division is, the holding of lands."

And the last senting allowance for the Journal of 1848, shows ing of their action? Moreover, in his message of 1846, Gov. Brown says employed that "the State had no author into classes. One primary division is, the holding of lands."

And the last senting allowance for the Journal of 1848, shows ing of their action? Worember, 1834, to the 8th October, 1838, the sum of \$127,639.00 of that \$4,220.20 rents of Seminary lands in the State had no author the holding of lands."

And the last senting allowance for the Journal of 1848, shows ing of their action? Worember, 1835, 1836 and 1837, the Seminary Fund was invested in the State had no author last the followance for the Journal of 1848, shows ing of their action? Worember, 1834, to the 8th October, 1838, the sum of \$127,639.00 of the seminary Fund was invested in the State had no author last the followance for the Journal of 1848, shows ing of their action? Worember, 1834, to the 8th October, 1838, the sum of \$127,639.00 of the seminary Fund was invested in the se into classes. One primary division is, into classes. One primary division is, into private and public corporations. A tence quoted, is a direct recognition of private corporation is one organized and the fact by the Legislature in its very into classes. And the last sent into the state and no dathorst the stock of interest from date of sale. What was into classes. And the last sent into classes, the handsome sum of stock.—House Journal, 1844, p. 446 By \$92,444.17, each year, with ten per cent. The stock of interest from date of sale. What was private corporation is one organized and the fact by the Legislature in its very interest from date of sale. What was further than the state and no dathors the fact by this fund "in the stock of interest from date of sale." hartered to accomplish some private acceptance, that the lands were themends of the corporators, as in the case of selves specifically intended for the instia factory; while a public corporation is tution. And to give these terms, and knowledged to owe them to the Univerone organized and chartered to accom- those of the act of Congress, their sim- sity. Now, then, what authentic data very charters, that it was a new and unplest and plainest meaning, how could a have we? These: ment, over which the government re- seminary "use" the lands, or be "sup- Prior to 1831, shown by Comtains the exclusive control, and the rea- ported" by them, if the lands are to be son for the very existence of which is consumed in the very buildings," etc.,

Hence I say, that when Senator George ousiness) corporations, as in the case of treats the State appropriations as appli purposes, but for the dis- history; for, except in the two items e schools, etc. These classifications lishment and maintenance of the Semileemosynary corporation; and such is until the property is consumed, as he

Miss., p. 368, our own Supreme Court, Again: Not only is the Senator's posi speaking of the State University and of tion in this regard not tenable as a legal the Alcorn University, says: "Neither or historical proposition; but also, as to of these institutions are, in the legal some of the appropriations (those for sense, private corporations. They did improvement, apparatus, etc.), it is utnot have their origin in private or indi- terly untenable as a matter of common vidual endowment, but are sustained by right. The grounds, buildings and furpublic endowments and appropriations. niture of the University constitute one The title to their property is in the of the most beautiful villages, and one State. They are public corporations, established and endowed by public author-State. Three hundred thousand dollars ity and funds, and are controlled by would be a very reasonable valuation trustees appointed by the State for limited for it. The property is all here, and it By the way, I observe that Sen- is the property of the State-not trust ator George was of counsel in that case, property, but absolutely the State's, and and won it on that proposition, among so declared by our own Supreme Court. It is the creation of these appropria

the order of the Legislature. The Experience has abundantly tested the State took 20,000 shares, as already experience has abundantly tested the shares are state amount netually invested in such state.

Running through the whole of Senase that govern the relations between | tion of oppression of the people of the 24th deed made to a stranger, the law will tastes to do so;" of its exacting from

The language is that of passion and corporation; yet here, and for the reasons just given, the directly contrary rules will prevail. All payments made the State will be considered donations for the furtherance of the State will be considered donations for the furtherance of the was the avowed and only object was the avowed and only object was the avowed and only object of the was the avowed and only object of the was the avowed and only object of the safety and spread of trust, whose effect was that it guaranted to the Governor that the importance of the safety and integrity of the matter) was after the Legislature of the safety and integrity of the matter) was after the Legislature again. In marginal page 471, we read the same time to justify or excuse the was follows: "A trustee could nay statesman of Mississ the understand the function and an intelligent world, and maintain that the importance of the safety and integrity of the matter) was after the Legislature again. In his message of that it was fit and product to invest in the state will be required to the safety and integrity of the matter) was after the Legislature again. In marginal page 471, we read that it was fit and product to invest in the function and an intelligent world, and maintain that the importance of the safety and integrity of the matter) was after the Legislature again. In his message of that it was fit and product to the doubly great was the follows: "A trustes could not such the importance of the importance of the safety and integrity of the matter) was after the Legislature again. In his message of the tounderstand the importance of the safety and integrity of the matter) was after the Legislature again. In his message of that it was fit and to understand the intervent and the intervent again. In the world, and maintain that the importance of the importance which was the avowed and only object of the establishment of the establishment of the establishment of the matter of the grant intent clearly appears from the grant intent circumstances; and all grants made by the State (i.e., all statutes in furtherance of the charity), will be furtherance of the charity), will be further ance of the charity, in order to further the indis
which was the avowed and only object the Bank failed to pay over;" and the act of 1848, as I shall show presently, and the grant intent elearly appears again. In marginal page 471, we read again. In marginal page 471, we read at the funds of a most sacred trust, but the fund it the funds of a most sacred trust, but the fund it the funds of a most sacred trust, but the fund it the funds of a most sacred trust, but the fund it the funds of a most sacred trust, but the fund it the funds of a most sacred trust, but the fund it the funds of a most sacred trust, but the fund it the funds of a most sacred trust, but the fund it the funds of

THE STATE IN ITS CAPACITY OF TRUS-THE DEETOR.

THE CLARION.

ESTABLISHED February 18, 1837.

CAME OF IT?

JACKSON, MISSISSIPPI, NOVEMBER 2, 1887.

(VOL. 51--No. 39

"There shall be granted in the said State another township, or a quantity of land collect it, and thereby lost it—in any or as any other would have been, because I said that the Senator's argument on to be distributed amongst stockholders. Such are unquestionably the facts. equal thereto, to be located in tracts of all of these events, the State occupies the same crash that broke the Planters' this head ignored one of the most con-

vast and fertile fields were drawing daily It was just what every Legislature (exswelling streams of immigration from cept that of 1848) did do, in effect, un- hooved the State as a cautious trustee in its preamble, that it was established

The fund consisted of, first, land-

the State, with two millions of money,

invest in the stock.

Paid in, in 1833, shown by Committee's report. Remaining in Treasury in 1841, . 16,439 00 concerned, for that institution. the rents of 1831 and 1832. The differof rents were collected, shows that that was about the annual rental. Therefore,

I say that we start out by the item of land rents, of \$16,439.00, shown on Saunders' books to be on hand in 1841, plus the \$4,220.00 mistakenly paid to the Mississippi College in 1833, and reognized by the State as a debt in 1848; naking a total of rents, of \$20,659.20. of proceeds in notes of land-sales; the best people of this country and of Eq. spection reserved by the State, notes

port to the Legislature of 1836. It is Quite the contrary. On the 8th Janu- BANK ALLOWED TO BE CHARTERED then, we start out with two items of: approved by State What became of it?

First.-The rents remained in the collected, and the proceeds invested in ERNMENT BANK;" (mark this; it is im- that year empowered to set up a bank-

as shown by the House Journal for 1844, ment banks are injurious to the morals 15th November, 1834... 8th December, 1834...

Deduct from this, dividends

Amount of fund invested in stock..... Auditor Saunders' Report, p. 425, of House Journal of 1841, shows that invested in the Planters' Bank of Natchez, was the further

the very time the appropriations were making; the very express terms of the state the error of a seminary; it is the idea of the extent through the whole argument runs a substantial time and the very express terms of the state through the whole argument runs a substantial time and the very express terms of the state that the state is a right to fix its own that the State has a right to fix its own of the extent of the extent of the extent of the state loser to the extent of the extent of the state loser to the extent of th

drawn out" is expended, to recognize a proven, of legal deductions not sound; for by the process of state bonds sould be so paid; and the and tangible existence, and which can provement of those lands! 'It seems too I maintain that the Senator's argument is fall actions and misleading, and
its conclusions wholly mistaken and
is conclusions wholl mistaken and
is conclusions wholl mistaken and
is conclusions wholl mistaken and
is conclusi sion of a trust fund, by p oving that he from "the most mature deliberation of rendered to the Legislature when re-FIRST.—He has overlooked facts vital
stream; the Indians were about to be denied his responsibility. I say it is the people," etc., that must mean the extruded from her territories; and her "as if"—it was in fact, that very case. general judgment, since, if opinion were be received for State daes.—Hutch.

honor of a seat in the House when the issued and sold in 1831, and the stock to be made in the first place by the Audlaw was passed which authorized their issuance, " I then considered the project a reckless adventure, and therefore recorded my vote against it."—House the act of 20th Dec., 1831, a branch at the purchase money of each piece was State and of the United States, which bear on and largely control this matter; and,

FOURTHLY.—He has invoked and ap
The State was to build up and loster the statutes of the State was to build up and loster the remainded and state was to build up and loster the state was to build up and loster the remainded and specification of the State was to build up and loster the remainded and specification of the statutes of the state was to build up and loster the remainded and specification of the state was to build up and loster the remainded and specification of the state was to build up and loster the remainded and specification of the state was to build up and loster the remainded and specification of the state was to build up and loster the remainded and specification of the state was to build up and loster the remainded and specification of the state was to build up and loster the remainded and specification of the state was to build up and loster the remainded and specification of the state was to build up and loster the remainded and specification of the state was to build up and loster the remainded and specification of the state was to build up and loster the remainded and specification of the state was to build up and loster the remainded and specification of the state was allowed; branches were allowed; branches was plied here principles of law which have the State relative to these lands shows price of \$277,332.53, for which ten per whom the Senator says "there never was one of her directors to the other stock- reasonable doubt but that these notes no application; overlooking or ignoring her understanding of the matter. The cent. notes were taken, payable in one, a truer, nobler or more devoted servant holders, so that thenceforward the State were arranged and approved in conformdistinctions so obvious to a trained legal act, that of 1821, is entitled "An Act mind, that I should not have believed it possible to overlook or ignore them, except for the fact that the undoubtedly except for the fact that the undoubtedly except for the sale). What evidence is there that such learning." And we find in the body of the statute author of the people of Mississippi, and there was no abler one unless we except (Mr. by the State (that is, by the Auditor was required to collect the notes, and invest issuance of \$1,500,000 bonds of the during the location of thirty-six sections of land granted by Congress to tor, through whom the State made the purpose of paying for the reading and there was no abler one unless we except (Mr. by the State (that is, by the Auditor was required to collect the notes, and invest in Planters' Bank Stock. The notes are proved by the State, to be sold by the bank for the undoubtedly engaged in politics, while all these events were stirring and the Senator was the fund? First—as to the \$20,659.20 land-rents. a very little boy—does not uz say in his ed; another million of stock authorized tions, I shall now endeavor to make Governor be authorized to obtain the In 1841, in a 'etter printed on p. 425 of message of 1848, House Journal, p. 22, to be issued to private stockholders, more; so that the last due notes, even best information * * * (by) which the House Journal of 1841, Auditor "about one handred thousand dollars of making four millions in all.—Hutch. with the extension, were payable 1st morder to detect the fallacies of the Senator, and to understand the bearings of my argument, it is necessary to get a comprehension, first of the true clear comprehension are to the true clear comprehension and the true clear comprehension are to the true clear comprehension and the true clear comprehension are to the true clear comprehension and the true clear comprehension are to the true clear comprehension and the true clear comprehension and to the true clear comprehension and the first clear cle clear comprehension, first of the true learning; and again, so that the said selection may be made * * * on money got there, I am unable to say, ence between the Senator and the two cent. interest on the notes; the notes the Auditor, was, in fact, done by the lands at all, to sell them to the best ad actions and their mutual relations; sec such lands as will in his judgment best since I can find no law prior to the act Governors. And did not the Legisla- were to be on approved security, payable Bank for many years. The statement actions and their mutual relations; sec ondly, of the nature of the claim for othe settlement of the nature of the interest of the act of 1848, reponding to that ment of any of the many years. And did not the Legislar ture of 1848, responding to that ment of any of the material parts of the act of 1848 promote the interest of the institution of July 26, 1843, which authorized payment to the State of the claim for which it is intended."

The material parts of the act of 1848 promote the interest of the institution of July 26, 1843, which authorized payment to the State of the claim for which it is intended."

The material parts of the act of 1848 promote the interest of the mature of the dead of July 26, 1843, which authorized payment to the State of the claim for which it is intended."

The material parts of the act of 1848 promote the interest of the mature of the dead of the promote the interest of the mature of the dead of the promote the interest of the mature of the State Freatury. The material parts of the act of 1848, reporded from the settlement of the s

> Mississippi College, and in the act of 1848, as I shall show later, the State acless very good people, is no answer 000.00 for the branches at Jackson and tried scheme, of untested and unknown CONDUCTED THROUGH THE BANK. By management, set up in especially squally act of February, 1839 (after all the inmissioner's book, rents......\$8,402 00 times—just as the great Bank of the vestments above named had been made) In November, 1835 and Janu-United States was in the throes of its the State exchanged all of its stock for ruin-ard manifestly intended as a sort an equal amount of stock in the Missis of substitute, so far as Mississippi was concerned, for that institution. It is ed its State Directors in the tank; hold-It is, therefore, almost certain that the an ingenious but a wholly indefensible ing, however, ALL the stock, both of the \$16,439.00 was composed of the \$8,402.00 sophism by which the Senator seeks to State and of all private individuals in of rents collected prior to 1831, and of justify this investment by the State in the railroad company liable for the pay-Now let us take a little broader view fact that many good people had confiand the fact that in 1833 about \$4,000.00 dence in the concern, and put their The Planters' Bank was not the only concern the State "tried its luck" with. money into its stock, when it was the very fact of the support of the bank by In 1809, the "Bank of the Mississippi at and all other available funds which in ital stock of \$500,000.00. In 1818 a supduced that confidence, after the State plementary act was passed, changing its had consented to give up its control of name to the board of directors, as will be now sippi," enlarging its capital to three milto the State, five directors out of six for the stock of this bank amongst the teen reserved to the State, right of in

rope, as the Senator's article maintained. receivable for State dues, AND NO OTHER not questioned by Senator George. Thus, ary, 1833, three years after the Bank DURING ITS CONTINUANCE, which was ary, 1833, three years after the Bank DURING ITS CONTINUANCE, which was the Bank, or by the Auditor through was incorporated, and to the very Legis- already fixed to be until the close of the the Bank. This is very slow and negli lature which ordered this investment of year 1834. By various acts running to gent work, considering the class of secur-Money in treasury from rents. \$20,659.20 the Seminary Fund, Gov. Scott sends a say 1829, the Literary Fund was put the Seminary Fund, Gov. Scott sends a say 1829, the Literary Fund was put message in these terms: "The charter to pay for State stock etc. (of the Planters' Bank) provides that to pay for State stock, etc., etc. Then on 10th February, 1830, and the Governor on the part of the State, shall have the power of appointing, sub- while the former bank was still in existject to the rejection or confirmation of ence, came the Planters' Bank, whose treasury (except the sum paid to the ject to the rejection or confirmation of ence, came the Planters' Bank, we Mississippi College, as just stated); at the Senate, seven out of thirteen of the Charter, etc., I have just set forth. sity, although a large endowment came the same time to claim credit by way of least I have seen no indication to the directors. The right thus conferred Then, in 1836, and while the Planters' upon the Executive and Senate, MAKES Bank was in full blast, came the Missis Secondly.—The land notes were to be THIS INSTITUTION ESSENTIALLY A GOV- sippi Railroad Company, which was in butmany of them are under protest.

> Then, again, in 1837, came the Missis-12,800 00 mains, and will remain vacant to have five of the thirteen directors; the Planters' Bank, the latter an institution practically her own; the last of 44,400 00 And yet, there was only one million to of the bank, after the bank had paid the notes is now fourteen months over And yet, there was only one million to be disposed of, and it had been three off all the bonds and had paid certain due, even allowing for all extensions, years, and the State gave up one of its dividends provided for in the act, etc., and the first of them three years over-directors, to induce private individuals to etc. Later, the State took five millions

of the bonds. Thus, in the brief period of on, that because there was no betthan twenty years, the State launch- ment, and recommend to their considerroad stocks in existence, and the ed itself on the uncertain sea of four of ation such measures as he shall deem State could not borrow,-that there- these enterprises. Whether it thereby expedient, pointedly notifies them that fore there was "nothing left in which to manifested the wisdom and conservatism the precious trust is in peril, and invest the Seminary Fund except bank stock, I lauded by the Senator in his argument, invokes their action to save it. What stock," i. e., the Planters' Bank stock, I let the reader say. Gov. Tucker said it is done? What action taken? Why this: \$ 7,889 00 presume. I have never yet heard, in was recklessness, and Gov. Brown said instead of arranging for the speedy colthe history of Mississippi, of the period when \$300,000.00 could not have been the State, in 1876, by the first amend the 25th February, actually transferred The bank broke, and this investment easily loaned out at good interest on the best of security; or when it could not verdict, with the deep damnation of a R. R. Co., and surrendered its directors On p. 644 of the House Journal of easily have been invested in profitable constitutional reprobation. It is hardin the Bank; in short, cut itself even On p. 644 of the House Journal of easily have been invested in profitable ly possible for the Senator to "reopen that the Commissioner of the Seminary the convulsion of the late war). If this the question," now. With what counth is by no means all.

equal thereto, to be located in tracts of not less than four entire sections, each, which shall be vested in trust, for the support of said State, in trust, for the support of a seminary of learning therein," etc.

Mark the term: not for the support of but for the support of but for the support of but for the support of the support of the support of but for the support of support of support of support of a seminary of the support of the suppo

LECTED MONEY.

Let us recall the facts. The act which equired the lands to be sold, expressly material facts, things many of which ented expansion and a most abundant to pay compound interest, as I think Planters' Bank Bonds, says, "I had the The first \$500,000 of said bonds were an APPROVED SECURICY; the approval thorized one year's extension, but no

red to, shows as follows: 1834, out of \$101,688.58 ..\$21.920

paid first installment, and all the second installment due, total amount, about \$199.945,62..... December, 1836, out of the whole fund now due, except such notes as may have been renewed (and twothirds of them were not entitled to renew), amount due

In December, 1837, with full amount now certainly due, and no possibility of renewals any longer, amount due, about \$304,138,62; collect-In October, 1838, amount due about \$331,871.87; collect-

about \$307,128.37: collect-

And these were the last collections by ities. And it must be observed that this negligent collection antedates the financial troubles. On the 8th January, 1839, just after these last collections (four months to a day), we get another glimpse into this obscure history. Gov says: "The notes (that is, the Seminary Fund notes) are generally well secured and liberties of the State, and dangerous sippi Union Bank, with a capital of of the notes are dead, and others have 5 200 00 to the liberties of individual stockhold- \$15,500,000.00, to be raised by loan; removed out of the State."-Senate 9,300 00 ers. So firmly is this truth established which loan was to be negotiated on fif- Journal, page 8. Now remember: the 6.500 00 with the commercial and banking por- teen millions of State bonds, which State was chargable as trustee with the 300 00 tions of our community, that a large por- were to be executed to the bank, and by collection of this valuable fund; she had 23.100 00 tion of the private stock of this Bank re- it used for that purpose; the State was committed that duty to the Auditor and

of stock, to be paid for out of proceeds sage by which the Constitution required that he should give the Legislature inless formation of the state of the govern-

necessary step, by suit, or action, or ACTION at the time contemplated by the trust. And if the fund be lost from their neglect of this duty, they will be held personally responsible for their equired that the purchase notes should CESTUI QUE TRUSTS for the loss, albe taken with APPROVED SECURITY; and though they acted without any imthe renewal notes, if any, were also to be proper motive. AND IT IS NOT SUFFI CIENT FOR THE TRUSTEE MERELY TO AP-PLY TO THE DEBTOR FOR PAYMENT, BUT IT of the new pet; the three per cent. fund not exactly understand section 1, when he IS HIS DUTY TO BRING AN ACTION, IF NE CESSARY FOR THE RECOVERY OF THE AMOUNT. * * * And it seems, that will be peculiarly imperative, where the debt which is the subject of the trust. is payable IN INSTALLMENTS, in which

the duty of realizing such securities case the trustees will not be justified in showing much indulgence to the debtor on the non-payment of any installment.' mo application, overlooking of ignoring distinctions so obvious to a trained legal act, that of 1821, is entitled "An Act two and three years, with security apost the statute. The Auditor was respect to the statute of the people of Mississippi, and there why then, this Seminary OBTAINED. The Senator has much to say about

he alleged injustice of holding the State liable for the prices brought by the Seminary Lands, because he says they were sold to great advantage, and brought more than other lands sold by the United States for cash at the same time. It might be sufficient to say in response to this, that it was plainly the duty o the State, when it assumed to sell these vantage; and when it does so, it cersition that would be laughed at in the country. But waiving that quesexamination. He seems to have writ lands sold at for cash, about the same period; and finding that the sales averaged low, has jumped to two conclusions first, that the sales were fair, and therefore a proper standard of value; and secondly, that the lands sold were of equal value with the Seminary lands. Neither coaclusion is maintainable. The through the country at the time, and is constantly passing statutes "for the sup-

pression of fraudulent practices at the public sales of the lands of the United States;" the provision in the act of 1833 by which these lands of the Seminary ADJUDICATION OF 1848 WAS AGAIN AFwere required to be sold under a valua- FIRMED IN THE MOST SOLEMN MANKER, tion, had reference to this very fact. IT WAS NEVER RE-OPENED UNTIL 1880, Nor is it true that the prices obtained AND THEN IN THE MODE I HAVE STATED. were at all phenomenal? If the U.S. And again, on page 1, column Statute of 25th February, 1831, is 4, under the capitalized title, "PROCEED. turned to, it will be seen that there Con- INGS IN 1856," speaking of the sum gress alopts fourteen dollars per acre as \$78,511 50 shown by the books of Treas the dividing line, above or below which urers Griffith and Clark to be standing to certain reliefs may or may not be had. the credit of the Seminary Fund, he says tion of facts is necessary to show that twelve dollars per acre, in those times, by Treasurers Griffith and Clark, as above when the country was "on a boom," was stated, getting in addition to the interest not an extraordinarily good price for the on that debt, those liberal largesses, not an extraordinarily good price for the Very Picked Lands of the Mississippi; and lands a portion of which had been put into cultivation and were already yielding about four thousand dollars rent, at that. Were they "the very picked lands of the State?" Let this statute answer. It is the act of 28th November, 1821, "concerning the locations of the state?" State of the control viding that the Governor be authorized then read carefully section 1 of that "adto obtain the best information that can judicating" act of 1848, which was so sol be procured as to the most suitable emnly reaffirmed in 1856. Treasury of the United States, so that the location may be made PRIOR TO THE 1 in it. To that Legislature the Governor sales of the public lands in the said ALBERT GALLATIN BROWN, whose mem ceded territory; and section 2 provides ory has just drawn from the Senator the that, with the assent of the Secretary, the Governor is empowered to appoint a person "70 EXPLORE THE TERRITORY AFORESAID, AND REPORT TO HIM WHERE THE MOST VALUABLE LANDS ARE SITU-

ATED, and where it would be advisable to locate" the land. This tells the whole story

TECHNICAL BREACH OF TRUST. ons, and each reason sufficient of itsel to fix its liability, the State is responsible for all that portion of the Seminary Fund invested in the Planters' Bank We have also seen that it is also liable for all such portions of the Fund as were uncollected.

Now, there is still another proposition which lies back of all those heretofore advanced in this connection, and which applies to both the controverted branches of this Fund. And that is, that whether the bank investment was in itself proper or not, and whether the CONVERT THE SEMINARY LANDS INTO NOTES, OR MONEY EITHER, and that so

tured. Even then, too, the matter seems to have been further neglected.

In 1844 the Planters' Bank, having failed, was put in liquidation; yet the Seminary Fund seems still to have been kept within its power, in some mysterious way; for in 1845 we find, from the committee's report alluded to elsewhere seems the time this donation was made (in 1819), they were the usual and customary forms of endowment. There is every reason to believe that the Congress contemplated this custom in making the donation. The very act granting the lands indicates it, not only by its omission to authorize a sale; but also by its language:

"There shall be granted in that Bank Stock State," says the act, "another township, or a quantity of land equal thereto, which shall be vested in the Legislature of said State, in trust, for the support of a seminary of learning therein; which lands shall be located by the Secretary of the Treasury of the United Now 6 per cent, on that sum . \$6,226,73.88 States, whenever an extinguishment of Compare am't appropriated the Indian title shall be made, FOF LANDS UITABLE, IN HIS OPINION, FOR THAT PUR-POSE, in the said State." Now, here is unequivocal direction that the Secretary, in selecting the land, is to do so with special reference to their suitability for the support of a seminary; it is the idea of the support of a seminary; it is the idea of the support of a seminary; it is the idea of the support of a seminary; it is the idea of the support of a seminary; it is the idea of the support of a seminary; it is the idea of the support of a seminary; it is the idea of the support of a seminary in the support of the support of a seminary in the support of the

Amount deposited in Planters' Bank and lost

Total, as stated by Com. . \$103,778 98

and then in the mode I [the Senator] have

mmended the step in his message, and

that the University claimed more, than the

\$78,511.50 on Griffith's book. (Yet it appears that eight years before there was a

um but also the Planters' Bank debt).

In short, since 1848 the State has recog-

was not used in section 1. Why that term

By the way, it seems that the Senator did

Curiously enough, the Senator in his state-

ment of account has excepted this payment

of \$6,226.75 from his long array of charges

only two exceptions he made; and yet it is

in fact, one of the few appropriations

which are clearly chargeable to the Institu-

ANOTHER MISTARE OF THE SENATOR'S -ACT

The Senator draws a very graphic pic-

are of the passage of this statute; of the

The Legislature, in the Act of 1848, made

income of the University should amount to near \$11,000.00. * * * The Act of

1848 proceeded on the idea that the amount

be preserved as capital, and all subsequent

The Senator then proceeds as follows (I

1. "But this did not suit the University. it wanted more money, as in 1880, Its

do with it. I have read the minutes of the

Board of Trustees for the three preceeding

years through carefully; and there is not a

ing on this point. No one was authorized

Before, or about the time of the meeting

of the Legislature, Dr. James B. C. Thorn-

ton, a distinguished citizen of Rankin

t was brought about was this:

ever, literally and consecutively):

circumstances attendant on its passage, the motives that led to it, etc., etc. He says:

roved the bill when passed). 5. That in 1856, there was not a whisper r suspicion that the State owed more, or

stated." (As we now see there was no such

ation of \$6,226.75 annually to the Univer-

ginning, it was paying a regular income of over \$1,000 per annum as far back as

The material facts are as follows:

The charter, granted 10th February, 1830, authorized three millions of stock, as accually paid on these bonds by such as bonds, covenants, policies of inand which the Senator so emphatically sold, not to put the Fund into a permanent and productive shape, but to foster picion that the State owed, not only that

the Planters' Bank. Three years before, that bank had been chartered squarely in the teeth of a bized the Fianter's D. The term "interest" terest on it annually. The term "interest" prohibition of the charter of the Mississippi Bank; the State had taken two was avoided I can only conjecture; per millions of its stock, not by way of in- haps the Legislature desired not to commit vestment, for it borrowed the money to the State in express terms on any phases of do it with; the stock of the State in the the Planters' Bank business, since there Bank of Mississippi was directed to be was the two millions of bonds outstanding, sold, and the proceeds invested in that By the way, it seems that the Senator did was put into it; escheats, fines, and all wrote his article; and yet, as he says in the revenue, except enough to pay current case of Mr. Thompson, the explanation of expenses, were put in; and its stock ex- the Statute "was absolutely under his nose." empted from taxation. Then, in 1833, the same year of the order of sale of Seminary lands, at the same session of the Legisture, it was further ordered, that the against the University. It is one of the Literary Fund, the three per cent. fund, and ANY OTHER SPECIFIED FUND possessed by the State, should be put in; which are clearly charge sessed by the State, should be put in; tion as payments on account. Fund was CREATED by the peremptory sale of the Seminary Lands, and put in And that, remember, when as previously shown, Gov. Scott had just notified the Legislature that there was a large shortgage, although three years had elapsed,

ONE OF THE SENATOR'S MISTAKES-THE of the fund then due, viz: \$78,511.50, should ACT OF 1848. The material parts of the act of 1848 collections from others of debts due the are as follows:

which, of course, meant that so much a further endowment, so that the annual

in the taking up of private stock-

money was still needed by "the Govern-

ment bank," as he calls it.

this State be and he is hereby authoriz- shall analyze his utterances, quoting, howof three thousand one hundred and thirteen dollars and thirty-seven and a next session, January 1, 1850, and succeedhalf cents;" (that is to say, \$6,226.75 ed, to get a "further-endowment!" per annum) "SEC, 3 That the interest at six per the idea of PRESERVING THE SUBSEQUENT COL-

centum upon the sum now standing on LECTIONS FROM THE SEMINARY FUND AS CAPIthe books of the Treasurer of this State, TAL, AND WHICH WAS SO PROMINENT TWO * * shall be paid semi-annual to YEARS BEFORE, WAS ABANDONED (sic); and an act was passed March 3, 1850, giving the the warrant," etc. University as a 'further endowment' \$3,000

more per annum, and also \$3,000 more in cond page), "IN 1848 WE WAD A SETTLEfrom the Seminary Fund." ADJUDICATA OUGHT TO HAVE BEEN FINAL Here, then, the Senator distinctly assert us facts three things: the dissatisfaction of the University with its income under the further endowment at the session of 1850; HAVE HERETOFORE EXPLAINED, THIS inqualified assertions of fact; and yet every says; every word is a fancy sketch This statute was the one establishing the Geological survey, and putting it in charge of the University. The simple truth about its passage is this: The University had nothing whatever to

irely, however, no argument or cita- "The trustees up to that time acquiesce to ask the Legislature of 1850 for anything. A Geological survey was wholly alien to the November, 1821, "concerning the loca- going passages. Get their statements and tion of the thirty-six sections," etc., pro- bearings clearly fixed in your mind; and

ter, dated from Rankin county, calling his attention to the desirability of a Geologi cal and Agricultural survey of the State, to matter thus, because too expensive to be ciation for the advancement of Science convened, the Governor, in his Annual Message, devotes nearly a page of printed matmasses of the people," and from whose could have been found by Senator George memory the Senator was "glad of the op-portunity of removing the reproach of having, by word or deed, given sanction to into the University affairs was not by any that he supposed it to be. words: "The buildings for the State University at Oxford are progressing as rapid-

Thus, the whole thing was arranged outside of the University, and so far as I know or can discover without consulting it conducting it placed on the University, that it will receive the support of our people, and the fostering care of the Leglis lature. LONG YEARS OF NEGLECT have lissipated a large portion of its once munificent endowment, but enough has been chasing of books and apparatus, and the sity Fund HAD BEEN LOST BY AN IMPROVIthinking the State bound to make indemnity for the loss, and though not now rethe same day, required a room to be fitted peated, THEY ARE STILL ENTERTAINED.

rian as curator, and the State Geological efit of the Institution." See House Jour- this whole business on the express grounds

and became a law. Its first section remained the payment supported by the payment supported to the University of Mississippi, and became a law. Its first section remained the payment supports to the University of Mississippi, and became gov. Brown's position in comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the Seminary Fund \$79,548.76, which, drawing by the comments of the comments uired the payment annually to the Uni-ersity of \$6,226.75. law an interest of 8 per cent., an to \$103,068.40. * * It is Let us look at the Committee's report tile—analyze it. It run as follows: mount erroneously paid to the Mississip bly just that these items should be special policy adjusted with the public creditors, the feel at full liberty to press them on attention. The first payment about made to the Seminary Fund. This In est on above not